

**BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS
MINUTES**

DATE: November 7, 2005

TIME: 9:00 a.m. C.S.T

LOCATION: Cumberland Room
Ground Floor, Cordell Hull Building
425 fifth Avenue North
Nashville, TN 37247-1010

MEMBERS PRESENT: Harold Walker, Chair, NHA
Mark Davis, Vice-Chair, NHA
Jennifer Johnson, MD
Katy Gammon, HCF Director, Ex Officio
Norma Lester, RN, NHA
Craig Laman, NHA
Kathryn Wilhoit, RN, NHA
Robbie Bell, Ex Officio

MEMBERS ABSENT : Palyce Jones, RN, NHA
Susan Carson, Consumer

STAFF PRESENT: Karen Robinson, Board Administrator
Marva Swann, Unit Director
Juanita Presley, Advisory Attorney
Jerry Kosten, Regulations Manager
Lea Phelps, Disciplinary Coordinator
Elisha Hodge, Assistant General Counsel Attorney
Phillip Barber, Administrative Law Judge

GUEST: Christopher Puri, Legal Counsel, THCA
Richard Russell, new Legal Counsel, THCA

With a quorum being present, Mr. Walker called the meeting to order at 9:15 a. m.

**BENHA
NOVEMBER 7, 2005**

Consent Of Interest

Ms. Presley reviewed the new Conflict of Interest Policy and reminded the Board members of their responsibilities under the policy and instructed each new Board member to sign the policy and submit it to the Board administrator to be placed in their files.

Motion To Stay Order – John M. Pugh

Mr. Pugh appeared before the Board to request a motion to stay. Mr. Pugh was represented by attorney, David Grimmett. Ms. Hodge represented the State and Judge Phillip Barber presided over the case.

After the conclusion of the case, Judge Barber informed the Board that they were the authority in interpreting their rules pursuant to the Administrative Procedures. After much discussion of the case between Board members, A motion was made by Dr. Johnson and seconded by Ms. Lester to deny the motion to stay. The motion carried with a unanimous vote.

Order of Compliance – Trevor Matchim

Mr. Matchim appeared before the Board to request that his probation be lifted as of November 17, 2005. Mr. Matchim stated that he has paid his civil penalty and would like to apologize to the Board for his actions. A motion was made by Mr. Laman and seconded by Ms. Lester to approve the probation be lifted as of the date of November 17, 2005. The motion was carried. The motion carried with a unanimous vote.

Ms. Robinson asked the Board if Mr. Matchim's request for his preceptor certification to be reinstated would the Board reinstate his certification; or, will he have to apply by the rules and wait ten years from the probation ending date of November 17, 2005, and retake the preceptor's course and submit a new application. The Board stated Mr. Matchim will have to apply by the rules as a new preceptor.

Consent Order – Jane Smithson

Ms. Hodge presented a consent order to the Board with Ms. Smithson surrendering her license. A civil penalty was assessed plus case costs. A motion was made by Dr. Johnson and seconded by Mr. Davis to accept the consent order. The motion carried with a unanimous vote.

Roll Call Vote

Mr. Kosten presented to the Board a roll call vote for the rulemaking hearing that was held on October 19, 2005 regarding the following:

- a. Screening Panels
- b. Advertising
- c. Use of Titles
- d. Continuing Education Deadlines
- e. Licensure Application
- f. Continuing Certification for Preceptors

After much discussion, a motion was made by Ms. Wilhoit and seconded by Mr. Davis to approve a roll call vote on the above items. The motion carried with a unanimous vote.

Minutes

A motion was made by Ms. Wilhoit and seconded by Ms. Lester to approve the minutes of the August 1, 2005 board meeting. The motion carried.

Applicant Review/File Review

Melissa Rose—Ms Rose, preceptor, was requested to appear before the Board to give explanation of Mr. James Spears Administrator In Training (A.I.T.) failing the National Administrator Board Exam (NAB) twice. Ms. Rose stated that Mr. Spears left the company right after he completed the A.I.T. program and she has not heard that he had failed the exam. After much discussion the Board stated with Ms. Rose not having any contact with Mr. Spears to know if he is pursuing a career in long term care, they could not take any action on the matter.

Sandra Bailey—Ms. Bailey submitted a letter to the Board requesting an extension of taking the NAB exam due to family medical problems. A motion was made by Mr. Davis and seconded by Dr. Johnson to approve an extension not to exceed six months with the deadline of September 7, 2006. The motion carried.

Raymond Watt—Mr. Watt was requesting approval of his preceptor application from the Board. Mr. Watt was not present at the Board meeting. A motion was made by Dr. Johnson and seconded by Ms. Wilhoit not to approve the application at this time and requested that Mr. Watt appear before the Board at the next meeting of March 6, 2006. Mr. Laman requested the minutes to reflect that he only had a phone interview with Mr. Watt to recommend approval of his preceptor application; and, with Mr. Watt answering all the questions correctly, that was the reason for his recommendation. The motion carried.

BENHA
NOVEMBER 7, 2005

New Administrator-In-Training Applicants

A motion was made by Mr. Davis and seconded by Ms. Gammon to approve the following for a six (6) months A.I.T. program and Ms. Heather Gibson for a eleven (11) months A.I.T. program. The motion carried.

Teena Berry
Charles Gilmer
Armandorex Santos
Heather Gibson

Diana Fisher
Teresa Ogletree
Rodney Bowden

NAB Exam Approval

A motion was made by Mr. Davis and seconded by Ms. Lester to approve the following to sit the NAB Examination. The motion carried.

Charles Dickens
David Frank

Preceptor Application Approval

A motion was made by Mr. Davis and seconded by Mr. Laman to approve the following preceptor application. The motion carried.

Robert Flowers

Office of General Counsel Report

Ms. Presley presented the OGC report in which she gave the status of the following rules:

- 1020-1-.01, .06, .13- Definitions Re: Preceptors, and Administrators-.In-.Training meeting face to face in the approved training facility. Sent to the Attorney General on April 7, 2005.
- 1020-1-.08, Re: Criminal background check. Hearing held May 23, 2005. Approved by OGC for transmittal to the Attorney General's Office on June 16, 2005.
- 1020-1.03, Proposed amendment to add screening panel language. Pending final Board approval.

**BENHA
NOVEMBER 7, 2005**

- 1020-1.06 (2) (a), Proposed amendment to set forth requirements for maintaining preceptor certification. Pending final Board approval.
- 1020-1.08 (4), Proposed amendment to require submission with the application a “passport” style photograph taken within the preceding twelve (12) months. Pending final Board approval.
- 1020-1.12 (1) (d) 1,2,3, Amendment to continuing education requirements relative to waiver or extension of time to complete requirements. Pending final Board approval.
- 1020-1.18, Amendment setting forth prohibited acts or omissions in the context of advertisements by licensee which can be subject to disciplinary action. Pending final Board approval.

Administrative Reports

Ms. Robinson presented the statistical reports which indicate the following:

LICENSURE STATUS SINCE AUGUST 2005 MEETING

Nursing Home Administrators	Nursing Home Administrators	Nursing Home Administrators
August 2005	September 2005	October 2005
Active Licensees – 762	Active Licensees – 762	Active Licensees – 766
Retired Licensees –779	Retired Licensees – 780	Retired Licensees -778
Failed to Renew – 645	Failed to Renew - 647	Failed to Renew - 646

PERFORMANCE MEASURES

<i>Performance Measure</i>	<i>Goal</i>	<i>Jan – May 2005</i>	<i>Average</i>
Renewal Processing Time	14 days	0.1 days	0.1
Application Processing Time	100 days	236 days	

The application processing time is directly relative to the length of the A.I.T. program, the length of the NAB examination process, and the length of the state Jurisprudence examination and the success or lack thereof, of the applicants on the examinations.

**BENHA
NOVEMBER 7, 2005**

BUDGET/TRAVEL ISSUES

Ms. Robinson presented to the Board that no one is to make any arrangements prior to receiving approval; and when making travel arrangements, such as purchasing airline tickets, you must go through World Travel Services, Inc. at 1-866-835-9979. To go through World Travel Services you must identify that you are with the State of Tennessee and provide them with the Board's budget and allotment code which can be obtained from the Board Director or Administrator. The mileage rate is .38 a mile, with a temporary mileage rate of .46 a mile from 9-19-05 thru 12-31-05.

Investigative And Disciplinary Reports

Ms. Phelps presented the Investigative report which indicated that there were five (5) open complaints in investigations as of September 2005. Five (5) complaints closed, four (4) complaints closed with no action, one (1) complaint closed with letter of concern.

Ratifications

A motion was made by Mr. Davis and seconded by Dr. Johnson to approve the following for licensure. The motion carried.

New Licensee

Everett B. Bays
Macy M. Bryant
Catherine M. Crawley
Linda J. Hill
Mary A. Matney-Hughes
Rebecca A. Scott
Kenneth W. Stevens
Brandon R. Whiteside

Barry C. Bell
Cassandra L. Callahan
Alissa G. Dillard
Titus P. Hughes
Jody D. Mcclung
Robert S. Seymour
Alice B. Toney

Harland L. Bicking
Amanda C. Cochran
Robert D. Fabian
Pamela L. Jowers
Debbie J. Powell
Stephen E. Shride
John G. Turner

Reinstatements

A motion was made by Mr. Davis and seconded by Mr. Laman to approve the following reinstatement applications for licensure. The motion carried.

Elbert W. Mask, Jr.
Diane Patterson

BENHA
NOVEMBER 7, 2005

Extension of Continuing Education

Betty Pope – Requested extension of her 2004 continuing education due to hardship. A motion was made by Mr. Davis and seconded by Dr. Johnson to defer this case until the next Board meeting. The motion carried.

Board Official Elections

A motion was made by Ms. Gammon and seconded by Mr. Laman to re-elect Mr. Harold Walker as Chair and Mr. Mark Davis as Vice Chair. The motion carried with a unanimous vote.

A motion was made by Dr. Johnson and seconded by Mr. Laman to elect Ms. Norma Lester as Secretary of the Board. The motion carried with a unanimous vote.

Adjournment

There being no further business, the meeting was adjourned at 12:40 p.m.

Norma Lester Secretary

Date

**BENHA
NOVEMBER 7, 2005**